

REMARKS

Claims 11-15, 25-29 and 32 remain pending in the application, wherein claims 1-10, 16, 17, 19-24, 30, 31 and 33 were cancelled. Reconsideration and allowance for the above-identified application are now respectfully requested in view of the foregoing amendments and the following remarks.

The claimed embodiments provide a better test of the presence of water within a root canal compared to the root canal testing implement of Rubin (US 6,482,009). Rubin discloses an implement that includes a tip treated with a pH indicator such as phenolphthalein, litmus, phenol red, bromothymol blue, methyl red, bromocresol green, methyl orange, and thymol blue. Col. 4, lines 41-51. Color changing pH indicators of the type disclosed in Rubin typically only change color within a specific range or subset of the pH scale. When a given pH indicator is exposed to moisture having a pH outside the applicable range of than pH indicator, little or no color change may occur. Even if the indicator is able to show color, the color may be dim at a given pH within the tooth. Thus, the Rubin device cannot guarantee a bright or definitive color change every time it is moistened with water.

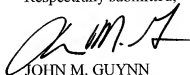
Claim 11 claims an endodontic device that includes, in addition to an endodontic cone, both "a pH changing material" and "a pH sensitive color changing indicator". This claim was not rejected over the prior art and is presumed to be patentable along with claim 25, which was deemed to be allowable over the art of record. As discussed in a previous amendment, Rubin neither teaches nor suggests a device that includes the combination of a "pH sensitive color changing indicator" and a "pH changing material". The purpose of the pH changing material is to change the pH of water contacting the claimed device in order to cause the pH sensitive color changing indicator to change color regardless of the actual pH within the root canal. *See* paragraphs [0025] and [0026]. The practical result of including a "pH changing material" is that it allows for the use of pH indicators that would otherwise not change color, or only slightly, if exposed to water outside the pH range of a particular indicator used in the device. In other words, the pH changing material ensures a color change regardless of the actual pH of the moisture within a root canal. This is a clear improvement over the Rubin device, which only appreciably change colors if the actual pH of the moisture in a root canal is within the specified range of the particular pH indicator used in the device. Applicants submit that claim 11 is novel and unobvious over Rubin, either alone or in combination with any other art of record.

The Office Action indicates that claims 25-29 are allowed. The Office Action also appears to have allowed claims 11-15 and 32, which do not currently stand rejected over any art of record.

In view of the foregoing, Applicants submit that the application as now presented is in allowable form. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which may be clarified through a telephone interview or that may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 24th day of August 2006.

Respectfully submitted,



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